

International Dialogue on Peace Support Operations

Alexander Nikitin,

Director, Center for Political and International Studies

This book features the dialogue on international peacekeeping operations, involving politicians, parliamentarians, military and academics from more than a dozen countries, as well as international organizations. Tense debates on the international operations in the former Yugoslavia, some of the CIS regions, Afghanistan, Iraq, etc., make the discussion on the international interference in the conflict resolution, and on the legal status of the international peacekeeping, even more necessary.

More than 80 countries have been delegating their troops and other personnel for international peacekeeping operations during the period of the United Nations existence. More than 900 thousand of military and civilian specialists have participated in these types of operations up to date. More than 40 states have agreements with the UN on sending their military contingents to the ongoing and future peacekeeping operations. The annual spending on international peacekeeping operations, at their maximum in 1993, amounted 4 billion US dollars, and the personnel sent counted 80 thousand people. By the end of 1990s the spending was reduced to 1 billion US dollars, and the personnel deployed in the zones of conflicts was reduced to 12–15 thousand people.

However, in 2000 more than 65 thousand people participated in the operations in the former Yugoslavia only, not to say about other peacekeeping operations. In the current decade, more than 12 000 of the Russian troops take part in the peacekeeping operations in Bosnia, Herzegovina, and the Union Republic of Yugoslavia under the UN aegis, as well as in the CIS operations in Abkhazia/Georgia and Tajikistan, and in accordance with the inter-government agreements in South Ossetia/Georgia and Moldova/Transdnestria.

The history of international peacekeeping is the part of the political history of the end of XX – beginning of the XXI centuries. Peacekeeping operations per se are not mentioned in the UN Charter. Originally, the UN Security Council was to authorize enforcement measures, including use of force, against states, which committed acts of aggression, violated and/or threatened to violate peace. In 1946–1949 the UN discussed the possibility of creating of the UN military force, with the UN Military Headquarters and the political control exercised by the Security Council.

But the practice of the UN conflict resolution moved in other direction. First, the institute of military observers was introduced, to be sent to the conflict and/or potential conflict zones, on behalf of the international community. The first military observers' missions were sent to Palestine and to the conflict zone between India and Pakistan, in 1948 and 1949 respectively.

Later these type of the UN missions were sent to Lebanon and Yemen (1963), Afghanistan and Pakistan (1988–1990), Angola (since 1991), Iran and Iraq (1988–1991), Iraq and Kuwait (since 1991), Georgia, Haiti (since 1993), Tajikistan (since 1994).

Second, in absence of the UN Military Staff Committee, which did not function because of the contradictions between the West and the USSR during the Cold War, the UN military operations, others than stipulated by the Chapter VII of the UN Charter, were being practiced.

Since 1948, as suggested by the UN Secretary General, the UN General Assembly considered the creation of the UN police force, to exercise control over ceasefire in the conflict zones, and over law and public order, as well as electoral monitoring.

The UN force, to exercise a peace support operation per se (at that time called the UN Special Military Force), were for the first time sent to the Middle East during the Suez crisis in 1956. The UN Secretary General Dag Hammarschold defined this force as paramilitary peaceful force, authorized to use arms only for self-defense, and with the functions, different from that of the military force for enforcement actions, as stipulated by the Chapter VII of the UN Charter.

In 1965 the UN General Assembly introduced the Special Committee on peace support operations, made of representatives of 33 Member States. In 1973 the Committee agreed to delegate UN Security Council the exclusive responsibilities to decide on key issues related to peace support operations.

In the 1980s and especially in the 1990s, the UN peacekeeping activities were re-vitalized. The defunct Military Staff Committee was replaced by the Department of peacekeeping operations within the Office of the Secretary General, as a new body of the peacekeeping operations control with wide functions.

In the recent 20 years, we experience the shift from "passive" to "active" peacekeeping, and the widening of functions of both military and civilian personnel involved in the peace support operations. The military forces have started to use arms not only for the self-defense purposes, but also to protect civilian population in the conflict zones, to provide for security of the humanitarian relief operations, in the course of the combat actions in the conflict zones, and also, as the Secretary General puts it, "to exert pressure on the sides of the conflicts, to achieve national reconciliation faster, then they were originally ready to agree upon".

To conclude, during the first 50 years of the UN existence, the political struggle between the UN Member States resulted in the agreed conceptual and organizational scheme of peace support operations, which substantially differs from the written UN Charter. The missions of observers and mediators, as stipulated by Chapter VI of the Charter, as well as enforcement actions, as stipulated by Chapter VII of the Charter, are still being undertaken, although less frequently. On the other side, military and paramilitary actions to separate parties at war, to exercise control over ceasefire and over the buffer conflict zones, and to exercise police control in the post-conflict period, although not stipulated by the UN Charter (and since Dag Hammarschold's times often being referred to as "non-existent" "Six and the Half Chapter provisions"), are being practiced more and more often.

Although the UN peacekeeping efforts are still important and successful, the UN failed to become a universal subject of international peacekeeping, to be timely and effectively used by the

global community for the purposes of urgent interference in the conflict resolution. In practice, the UN acts as not always necessary and nearly always not sufficient subject of the peacekeeping process. The UN has become selective in terms of the scale, scope and functions of the interference in the conflict resolution.

In the meanwhile, the role and intensity of the conflicts on national and sub-national level have increased sufficiently, which move the UN towards the gradual change of the principles and rules of international interference, and towards the division of functions of the states and regional organizations and arrangements in the course of the conflict resolution.

Chapter VIII of the UN Charter, as well as other rules and principles of the International Law stipulate the possibility and the necessity of the use of regional bodies and agreements for the purposes of the conflict resolution, and to secure regional peace and stability.

In terms of Chapter VIII of the UN Charter, regional organizations and arrangements include continental inter-states arrangements, such as the Organization of American States (OAS), the Organization of African Unity (OAU), the Organization on Security and Co-operation in Europe (OSCE), etc. The Commonwealth of Independent States (CIS) was conditionally recognized by the UN as regional organization/arrangement in 1994. The Organization of the Collective Security Treaty, which involves Russia, Armenia, Belarus, Kyrgyzstan, Kazakhstan, and Tajikistan, was awarded the status of the UN regional organization recently in 2003. The EU has also started to conduct its own peace support operations in the former Yugoslavia and in Congo.

In the first decade of the XXI century, the UN, NATO, the EU, the CIS, the Organization of the Collective Security Treaty, etc. have been creating new instruments of crisis management and use of force in the conflict resolution. Following the Prague summit of 2002, NATO shapes its Response force. The EU has also created its own Rapid Deployment force by 2004. The CIS Organization of the Collective Security Treaty has set up the rapid reaction force for the Central Asian region of collective security. The NATO/Russia Council works on the concept of joint peacekeeping operations.

In this new political situation, the research on the legal status of peacekeeping (to which this book is primarily devoted) becomes even more necessary.

First of all, this book contains the new Model Law "On the Participation of a CIS Member State in Peacekeeping Operations", approved by the CIS Inter-Parliamentary Assembly just recently. The Law was drafted for two years by the Center of Political and International Studies (CPIS), in co-operation with the CIS Headquarters of Coordination of Military Cooperation, and other organizations. Being supported by the Center for Democratic Control of the Armed Forces (DCAF) in Geneva, experts and authors of this book made a legal expertise of the Model Law at the special joint session with the CIS Inter-Parliamentary Assembly Committee on Defense and Security (St. Petersburg, autumn 2003). This joint effort for the first time enabled to work out the agreed legal framework of peace support operations, reflecting the unique experience of the peacekeeping actions by Russia and the CIS, in full compliance with the UN peacekeeping principles and criteria.

The first chapter of the book contains documents, reflecting the new trends in the development of the legal basis of the peacekeeping. Besides the CIS Model Law, which is from now on being used by the national parliaments of the CIS Member States as a model of legislating on international peacekeeping, this chapter includes the first publication of the Law on peace support operations, adopted by the Ukraine. The list of Model Laws in the sphere of defense and security, adopted by the CIS, demonstrates the progress achieved in this area.

At present, The Organization of the Collective Security Treaty becomes a new subject of peacekeeping in the region. However, its new principles and guidelines are less known to experts and public in the USA and Western Europe. The editors also added to the list of documents the Charter of the Organization of the Collective Security Treaty, which substantially differs from the CIS Charter, enabling effective co-operation by the Member States in the sphere of defense, security and peace support operations.

The chronology of the creation of the Collective Security Treaty Organization's (CSTO) working bodies, and of adoption of

its basic documents, shows that the new serious and responsible subject of international security and peacekeeping is emerging at the territory of the New Independent States.

However, the CIS/CSTO peacekeeping efforts are not being fully recognized by the West, in terms of compliance with the UN peacekeeping criteria, while certain actions by the EU and NATO Member States, and by the US-led coalitions, especially in the former Yugoslavia and Iraq, are being criticized by politicians and experts from the New Independent States. The articles of the second chapter of the book "Modern Theory and Practice of Peacekeeping" display the multilateral dialogue of experts, representing different countries, on theory and practice of peacekeeping, exercised by various political subjects. This chapter also contains the review of the basic principles of the UN peacekeeping; the analysis of the legal aspects of the US operations in the conflict zones; the description of the new mechanism of NATO's quick reaction force; facts and estimations related to the Russian and the CIS operations in Tajikistan, Georgia, and Moldova; comparison of the peace support and counter-terrorism operations, etc.

The final chapter of the book is devoted to the problems of the parliamentary oversight of the peacekeeping, and to the role of parliaments in international peacekeeping. Parliamentarians and experts, directly involved in the work of the Inter-Parliamentary Union, NATO Parliamentary Assembly, WEU Parliamentary Assembly, The CIS Parliamentary Assembly, etc., contributed to this chapter. We believe that the role of parliaments and parliamentary associations in the conflict resolution and in decision-making on peace support operations should further increase.

Russian and Western politicians, military and experts, NATO and the CIS countries, have to overcome their disagreement, and to mutually recognize their respective peace support actions. They have to develop viable solutions related to the use of force in the conflict resolution, and to be able to perceive the conflict situations from the other viewpoint.

We, therefore, hope that this book will help to cope with such a difficult task.